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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **FAO 391/2007**

**PRAKSH CHAND JAIN**

.....Appellant

Through: Mr. Rahul Gupta, Mr. Raghwendra  
Pratap Rao, Advocates along with Mr.  
Hemant Jain.

versus

**STATE & ORS.**

.....Respondents

Through: Mr. Mayank Tripathi, Mr. Vasudev  
Pal and Mr. Naithar Tripura,  
Advocates for respondent nos. 2(iii),  
2 (1-c), 2 (1-a) and 2 (1-b).  
Mr. Abhinav Garg, Panel Counsel for  
GNCTD/respondent no.1.  
Ms. Rhea Jain, Advocate for  
respondent no.2 with respondent no.2  
in person.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

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**26.02.2026**

**CM APPL. 13108/2026 (For disposal of the present appeal in terms of the family settlement dated 24.12.2025)**

1. By way of the present joint application filed under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (CPC), the parties seek disposal of the present appeal in terms of the Family Settlement dated 24.12.2025 arrived at between them.
2. In the application, it is stated that the property bearing No. 5359, *Laddoo Ghati, Paharganj, New Delhi* be sold in the open market at the best available market price and that the net sale proceeds shall be distributed in



the ratio of 1/3rd each amongst the parties.

3. Learned counsels appearing for the parties state that the subject property shall be sold on an “*As Is Where Is Basis*”. The parties have further agreed that they would execute the requisite sale deed in favour of the proposed buyer and have undertaken to extend their complete support and cooperation for the aforesaid purpose. Learned counsels further state that there are nine parties to the Family Settlement and all of them are present either in person or through VC. It is stated that all the parties have also furnished their respective affidavits in support of the present application. The statements and undertakings given in Court are taken on record and the parties shall remain bound by the terms of the settlement arrived at between them. The Family Settlement is taken on record.

4. At this stage, learned counsels for the parties also refer to paragraph 9 of the Family Settlement to submit that an Independent Local Commissioner may be appointed to guide the parties in order to facilitate the process of identifying the buyer and to conclude the sale and distribution of the sale proceeds of the transaction amount.

Paragraph 9 is reproduced hereinbelow:

*“9. That it is agreed between all the parties that they shall together pray before the Hon'ble Court for the appointment of an independent Local Commissioner. The said Local Commissioner shall be fully authorized and competent to implement the present Deed of Family Settlement by concluding the sale of the suit property. To facilitate this process, it is further agreed that all parties to this Deed are entitled to introduce prospective purchasers for the property. The Local Commissioner shall finalize the sale in favor of the highest bidder and shall thereafter distribute the sale proceeds amongst the parties in the shares as agreed upon herein.”*

5. In view of the above and with the consent of parties, Mr. *Nawab Singh Jaglan*, Advocate (Mob: 9810727251, 8527708567) is hereby



appointed as Local Commissioner. The parties shall assist and cooperate with the learned Commissioner to do the needful.

6. Learned counsels for the parties further propose that the initial remuneration of the Local Commissioner may be fixed at Rs.5 lacs. The remuneration as well as any other overhead charges is undertaken to be borne by the parties in equal proportion.

7. Learned counsels also state that the parties shall assist in identifying the buyer and that in case, for any reason, no appropriate buyer is found, the subject property be put to auction. The time for completion of the sale, as agreed upon in paragraph 5 of the Family Settlement, is also stated to be tentative in nature.

8. In view of the aforesaid facts and circumstances, the appeal stands disposed of along with the application.

**MANOJ KUMAR OHRI, J**

**FEBRUARY 26, 2026/rd**